

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION

SONNIE WELLINGTON HEREFORD,)	
IV., et al.,)	
)	
Plaintiffs,)	
)	
AND)	CV-63-MHH-109-NE
)	
UNITED STATES OF AMERICA,)	
)	
Plaintiff-Intervenor,)	
)	
v.)	
)	
HUNTSVILLE BOARD OF)	
EDUCATION, et al.,)	
)	
Defendants.)	

**NOTICE OF DEFENDANTS' FILING OF
EIGHTH CONSENT ORDER REPORT**

Introduction

Defendant, Huntsville City Board of Education (the “Board” or the “District”), files this day its eighth, annual Consent Order Report with the Court (hereinafter, collectively the “Court Report” or “Consent Order Reports”). As it has done in the past, the District files this Notice to help the Court, and the citizens of Huntsville, better understand the Consent Order Reports. This Notice provides context and explains notable features of the Consent Order Report.

As the Court is aware, the Consent Order (Doc. 450) requires many reports. Nearly all reports require data from the preceding school year. As such, the date range for the data in this year's reports is July 1, 2021, through June 30, 2022, meaning the data in most of these reports took place during year seven of the District's implementation of the Consent Order. In order to improve the reports and this document, we have included a label on each report that identifies the school year of the data. Additionally, on this Notice, we have included the relevant date range in the description of each report.

Year Seven Update and Plan Forward

Being the second school year to start since the beginning of the pandemic, year seven of Consent Order implementation presented several unique challenges. Some of these unique challenges were directly related to the aftereffects of the pandemic, including: a drought of new teachers entering the workforce; continued employee retention issues especially in areas competitive with local business (i.e., food service, custodial, maintenance, etc.); new state initiatives, like elements of the Literacy and Numeracy Acts, layered on the ongoing Elementary and Secondary School Emergency Relief ("ESSER") accountability measures and the heavy workload on schools to implement both; increased mental health and academic needs of students as they returned to a more normal school year; and student attendance issues. Other challenges – like the delay in renovations at Highlands Elementary

School – were not directly related to the pandemic, but were not helped by the ongoing effects of the pandemic such as labor and supply shortages.

That said, year seven also included exciting announcements related to the future of Huntsville City Schools. During year seven, the Superintendent and her team worked with the City of Huntsville to plan not only a site for a new central office but also a new District-wide career technical center. The programs housed in the career technical center will be available to all students in the District. Also, to help with overcrowding present in some of the District's high schools, the District will be moving several school-based career technical programs to this new center. This will free up teaching stations at schools with high populations, like Grissom High School. Additionally, during year seven, the district began work on additional athletic facility improvements at Jemison and Columbia high schools. Although not required by the Consent Order, these improvements are demonstrative of the District's continued good faith efforts towards ensuring that its school facilities are comparable throughout the District.

Every year, the District, like all employers, has turnover. This year was no different, but there are several changes in personnel that warrant a brief mention in this year's cover memorandum:

- Notable Departures

- Dustin Daehn – Mr. Daehn joined the District as its Chief School Finance Officer during the pandemic. During the 2021-22 school year, Mr. Daehn accepted employment outside the District (and outside education). The District appreciated Mr. Daehn’s hard work navigating the expense of COVID-19 and the administration of the District’s ESSER funds during that process.
- George Smith – Dr. Smith has supported the District’s Consent Order implementation efforts during his entire employment with the District. His work began in the Assessment and Accountability Department before shifting into his most recent role as Chief Student Equity Officer. Unfortunately, a job opportunity outside of public education presented itself, and Dr. Smith resigned to take on other opportunities.
- Shirley Fletcher – Mrs. Fletcher served as the District’s Compliance Officer for several years. Although her role was not specified by the Consent Order, her role included ensuring that the District complied with its local procedural obligations and its state and federal legal obligations including, for example, Title IX. Often, Mrs. Fletcher helped resolved parental complaints and allegations of discrimination. She retired following the 2021-22 school year. Dr. Clarence Sutton, the Deputy Superintendent of Learning Supports, has taken over her duties.

- Elisa Ferrell and Beth Wilder – Mrs. Ferrell and Mrs. Wilder both joined the Board in 2014. They served two terms as Board members, and both were supporters of the District’s work to implement the Consent Order and move towards unitary status. As of November 7, 2022, they have completed their terms of service to the Board.
- Notable Hires/Promotions
 - Andy Craig – Although the District was sad to lose Mr. Daehn during the 2021-22 school year, the District hired Andy Craig to fill his vacancy. Mr. Craig has extensive experience covering all aspects of public school finance (including at the Alabama State Department), and he previously served as Superintendent of Hoover City Schools. His extensive experience has allowed him to seamlessly integrate into the District’s leadership team.
 - Sheila Roby – As with Mr. Daehn, the District was sad to lose Dr. Smith to industry. However, in an effort to fill Dr. Smith’s academic, statistical, and equity roles, the Superintendent promoted one of the District’s veteran principals, Ms. Sheila Roby. Ms. Roby has served for several years as the Principal of New Century Technology High School. In that role, and her prior role in secondary programs, Ms. Roby has extensive experience in many of the areas previously handled by Dr.

Smith, and the District believes that she will be critical to the District's work implementing the Consent Order.

- Andrea Alvarez, Holly McCarty, and Ryan Renaud – The City Council appointed Mr. Renaud to serve on the Huntsville City Board of Education during the summer of 2021. He was completing the term of Mr. Walker McGinnis, who retired during his term in office. Mr. Renaud sought reelection during the 2022 elections. Mr. Renaud was reelected and began serving his first full term on November 7, 2022. Ms. Alvarez and Mrs. McCarty joined the Board of Education on November 7, 2022.

Lastly, the District wants to preview for the Court its plans for seeking release from federal supervision in the Green factors of faculty, staff, and facilities. At the November 1, 2022, Board meeting, undersigned counsel presented a draft Motion for Unitary Status as to the faculty and staff Green factors. Following that presentation, the District has publicly posted its draft Motion, Brief, Affidavits, and Exhibits for the community to review. The District did this to allow the community a chance to provide feedback to the Board about the Motion. The community may leave comments via the District's website and during a public meeting scheduled for November 29, 2022. The District expects that the DAC will also receive feedback.

Prior to sharing these draft documents with the community, undersigned counsel shared the documents with counsel for the United States. The District and its counsel will also make themselves available to speak or meet with any local community members seeking more information about the proposed Motion. Undersigned counsel has also reached out to Mark Debro, counsel for the proposed plaintiff class, to ensure that he is aware of the District's willingness to meet with any interested community members. Undersigned counsel anticipates asking the Board for approval to file the Motion during the last meeting in December. Should the Board authorize counsel to do so, the District anticipates filing its Motion by the end of the calendar year. In 2023, the District anticipates filing an additional Motion for Unitary Status for facilities.

Description of the Reports

This section of the Notice lists each Consent Order reporting requirement, in order, along with contextual notes, if any, as to that reporting requirement.

II. STUDENT ASSIGNMENT

D. Majority-to-Minority Transfers

II.D.8.a.: A report containing the following information for each application requesting a transfer effective for that school year: student identification number; applicant name; address; race; grade level; home/zoned school; school(s) to which transfer sought; each type of transfer requested; the outcome (including, for each transfer granted, identification of the school to which the transfer was approved); and the

basis for the denial, if any. *The date range for this report is October 1, 2021 to September 30, 2022.*

Notes:

This reporting requirement is similar to the one required by the 1970 Singleton Order. (Doc. 65). This year's report shows that 364 students were offered a M-to-M transfer and accepted it. Of the 364 students, 359 were Black and 5 were White. This data represents an increase in total M-to-M transfers offered and accepted as compared to the last two years. In fact, this is the most M-to-M transfers the District has had offered and accepted since Consent Order implementation began. This is only the third time since Consent Order implementation began that the District had more than 300 M-to-M transfers offered and accepted. As in prior years, the three schools with the largest number of M-to-M transfers were Blossomwood Elementary School with 59, Huntsville Junior High School with 38, and Huntsville High School with 65.

* * *

II.D.8.b.1.: Transfer wait list information maintained pursuant to Section II.D.2.b.12., as of the expiration date of the wait list. The District may report this information separately or as part of the Excel spreadsheet described in Section II.D.8.a. *The date range for this report is October 1, 2021 to September 30, 2022.*

Notes:

The District included this information on Report II.D.8.a. Any student who sought a M-to-M Transfer but was placed on a waitlist and remained on the waitlist

as of its expiration is listed as “Denied Due to Space.” Students who were placed on the waitlist initially but were later offered a transfer will show as either “Offered and Accepted” or “Offered and Declined,” depending on their circumstances.

This year, the District had 49 students on the waitlist when it expired. The District has seen an increase in enrollment at certain schools that is impacting the capacity for M-to-M transfers.

M-to-M Waitlist			
Year	Black	White	Total
2014-15	89	1	90
2015-16	129	1	130
2016-17	18	4	22
2017-18	38	0	38
2018-19	20	0	20
2019-20	0	0	0
2020-21	28	0	28
2021-22	49	0	49

* * *

II.D.8.b.2.: Results of M-to-M surveys conducted *during the 2021-2022 school year* pursuant to Section II.D.6.b.

Notes:

The District was able to complete both the student and parent M-to-M surveys as it has in prior years. The District used a similar process for completing the surveys as was used previously. (See Doc. 598, pp. 10-13; see also Doc. 542, pp. 9-11). The District continued to use the same survey login procedure as reported last year to ensure access for students taking classes virtually through the District’s Huntsville

Virtual Academy (“HVA”). As a reminder, instead of using an access code for survey login, the District allowed students to log in using the unique identifier that students use to access their devices and other District learning platforms. Like last year, the District set aside specific class time for students to complete the survey. Parents of M-to-M students were not required to complete the survey, but were given access to the survey as part of the returning student registration process.

The District received 365 student responses for a response rate of 78%. The District is pleased to report that the student response rate has increased 5% from last year. District-wide, 72% of students on a M-to-M transfer gave a favorable response to the statement, “I feel welcome at my school.” Additionally, 73% of students gave a favorable response to the statement, “I get along with teachers at my school.” The District was concerned by the decrease in positive responses from M-to-M students in the Grissom High School feeder pattern. The District has provided these survey results to the school principals and will work with these principals to develop next steps.

The District received 70 parent survey responses. This is a significant decrease in the number of parent responses as compared to last year. For parent responses, the District is unable to disaggregate survey results by school, as it has done in previous years. This will be corrected for the Spring 2023 survey. Despite the significant drop in response rate, the parent response data was very similar to data from prior years.

In eight out of ten questions asked, parents gave the same or greater satisfaction rate compared to last year. 97% percent of parents gave favorable responses to the statements, “I am glad my student is on an M2M transfer” and “I am satisfied with the application process to receive an M2M transfer.”

* * *

II.D.8.b.3.: *For the 2021-2022 school year*, District marketing efforts regarding the M-to-M program, including examples of marketing materials.

Notes:

This report contains a list of the M-to-M marketing activities of the District during the 2021-2022 school year. As in year’s past, the District’s marketing efforts included sending a letter to students with an expiring M-to-M transfer notifying students of the expiring transfer, need to reapply, and details about the M-to-M application process. Additionally, the District advertised the M-to-M program via Twitter, Facebook, ETV, District website, robocalls, text messages, emails, and newsletters. The District’s efforts also included a Facebook Live presentation explaining how M-to-M transfers operate, including the timeline and application process. The District did not complete any in-person marketing events during the 2021-2022 school year.

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II.D.8.b.4.: *For the 2022-23 school year*, transportation schedules, to be filed under seal.

Notes:

This report, although sealed for the protection of students, demonstrates that all of the M-to-M buses meet the District's travel time guidelines. Given the geographic size of the City of Huntsville, this is not an easy task both as a matter of logistics and as a matter of cost.

* * *

F. MAGNET PROGRAMS

II.F.1.: *For applications submitted during the 2021-2022 school year, for each magnet program, student applicant data that includes: the number of applicants, disaggregated by race; the number of students accepted, disaggregated by race; the number of students who are not accepted, disaggregated by race (including reason(s) for a student not being accepted); the number of students enrolled, disaggregated by race; and the number of students who withdrew or transferred out of the magnet program, disaggregated by race, (including the reason(s), to the extent available, for the withdrawal or transfer).*

Notes:

To accurately report the requested data, the reasons for a student not being accepted in his or her desired magnet program have been split into different categories: ineligibility; committee review score; and space. Each category has its own column on the report so that the data could be disaggregated by race. The “ineligible” column is now moot because the District has upgraded its magnet application system and no longer allows potential applicants to complete an application if the student's birthdate does not correspond with the state-issued

birthdate cutoff. The birthdate cutoff is the same birthdate cutoff used to enroll students by age in preschool through first grade. Also, when reading this report, it is important to understand the following:

- 1,263 students completed applications, but applicants can list up to two magnet programs in their application;
- The 1,263 students submitted 2,048 applications across all magnet programs;
- The number of applications (2,048) exceeds the number of applicants (1,263) because some of applicants applied to more than one program;
- Like for report II.D.8.b.1., the District does not track a separate waitlist. Instead, all students who were “denied due to space” would have been on the waitlist for magnet when the waitlist expired.

* * *

II.F.2.: *For the 2021-22 school year, a report of magnet marketing and recruitment efforts taken for the previous school year, including samples of brochures and advertisements, and where appropriate, the date and location of the marketing and recruitment.*

Notes:

This report contains a list of the Magnet marketing and recruiting activities of the District during the 2021-2022 school year. This report also includes copies of example advertising materials. In an effort to support its magnet programs, the District expends a considerable amount of resources marketing the District’s magnet programs.

* * *

II.F.3.: *For the 2022-23 school year*, a report of the magnet courses offered at each magnet school/program for the current school year.

Notes:

This report lists magnet courses offered at each magnet school or magnet program for the 2022-2023 school year. This report also contains information regarding magnet course duplication. The District carefully reviews its magnet course offerings to ensure there is no course duplication. This report also contains information regarding magnet course duplication in the column labeled “Duplication.” All magnet schools and programs are offering unique courses with unique course codes.

The District also wishes to note that introductory or foundational courses continue to be offered to all high school students. However, the more advanced courses that build upon these courses are only offered as part of a magnet program. For example, all District students can take Painting II, the introductory course for painting, but the advanced Painting III and IV courses can only be taken as part of Lee High School’s magnet program.

* * *

II.F.4.: *For the 2022-23 school year*, the District’s efforts to review and respond to duplication of magnet courses in the District.

Notes:

This report contains a narrative description of the efforts that the District has taken to protect the unique magnet course programming at the District’s magnet

schools and programs. The District does not consider introductory or foundational courses as duplicated. While those courses are offered at other schools in the District, the magnet programs that offer those courses build upon those concepts with specialized and unique courses that are not available at other schools in the District.

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II.F.5.: *For the 2021-2022 school year*, a report that includes for each student enrolled in a dual enrollment course: the student's name or identification number; school attended; the magnet program attended, if any; grade; the name of each dual enrollment course; and the institution of higher education affiliated with each dual enrollment course.

Notes:

As described in previous Cover Notices, an accurate reading of this report requires understanding the difference between courses listed as “CTE” and “Core” under the “Course Type” column. Section II.D.7.h of the Consent Order (Doc. 450, pp. 33-34) requires the District to limit the number of dual enrollment courses that a student may take to one per year unless the Superintendent approves the student to take additional courses. This limitation does not apply to career technical courses. To help the reader of this report identify the dual enrollment courses to which this limitation applies, the District has designated dual enrollment courses as either “Core” or “CTE.” The dual enrollment courses that are limited by the Consent Order are identified as “Core,” and those that are not identified as “CTE.”

In last year's report, the District reported data for dual enrollment courses via two spreadsheets. One spreadsheet reflected the dual enrollment courses taken in the 2019-2020 school year. The second spreadsheet reflects dual enrollment courses taken in the 2020-2021 school year. This year's single spreadsheet reflects dual enrollment courses taken during the 2021-2022 school year.

The District has continued to see an increase in the number of students taking dual enrollment courses. For example, in the Fall of 2021 and Spring of 2022, students took a combined total of 341 dual enrollment courses (as compared to 255 in 2020-2021). In the Fall of 2021 and Spring of 2022, District students completed dual enrollment courses through Calhoun Community College (252 total), J.F. Drake State Community and Technical College (81 total), and the University of Alabama in Huntsville (8 total).

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III. EQUITABLE ACCESS TO COURSE OFFERINGS AND PROGRAMS

III.M.1.a.: *For the 2022-23 school year, a list of all AP and IB diploma courses taught in each high school and the enrollment in each AP or IB Diploma course in each high school, disaggregated by race.*

Notes:

This report lists each AP and, for Columbia High School, IB Diploma course taught at each school and the racial demographics of the students enrolled in each class. When reading the table, for each course, the number of students under the

race columns represents actual students taking the listed course. However, a student may be included in multiple rows if that student is taking multiple AP or IB Diploma courses. In fact, many students are. This means that the row labeled “Non-Distinct Enrollment Count” for each school contains students who are counted multiple times.

For the second year in a row, the District hosted a Honors Enrichment Camp that was open to both honors and regular students. The goal of this camp was to allow middle school students to sample AP coursework and get ready for the upcoming school year. This year, the District provided transportation to and from the camp. The camp lasted one week. The District had about 200 students participate across the District. The District also continued its practice of sending personalized recruitment letters to AP-eligible students in an effort to encourage their participation in AP courses.

The District is proud to report that participation for both Black and White students in AP/IB courses increased since last year. The participation numbers for White students has largely returned back to pre-pandemic levels. For Black students, District-wide participation is still down as compared to pre-pandemic data. The below table does show that participation increased at all six of the District’s high schools for both Black and White students as compared to data from 2021-2022:

	Black AP/IB Enrollment				White AP/IB Enrollment		
	20-21	21-22	22-23		20-21	21-22	22-23
Total	850	531	643		2660	2128	2612
Grissom	82	45	48		1031	747	815
Huntsville	99	57	72		1180	1015	1334
Columbia IB	132	67	88		57	39	37
Columbia AP	39	34	32		20	11	10
Lee	83	105	135		53	46	86
Jemison	278	118	161		24	24	54
NCTHS	137	105	107		295	246	276

The District has largely seen a steady percentage of subgroups participating in AP courses since the implementation of the Consent Order. As compared to last year, the District saw an increase in the percentage of Black students and students overall that chose to participate in AP courses for the 2021-22 school year, as shown below:

Percent of Group in an AP Course				
	Black	White	Other	All
2015-16	18%	40%	26%	29%
2016-17	19%	42%	27%	30%
2017-18	18%	41%	28%	30%
2018-19	18%	41%	27%	30%
2019-20	17%	39%	23%	28%
2020-21	16%	39%	26%	28%
2021-22	12%	34%	20%	22%
2022-23	15%	33%	24%	25%

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III.M.1.b.: *For the 2021-22 school year, academic proficiency of students in English and Math in the District and by school, as measured by the State assessments disaggregated by race.*

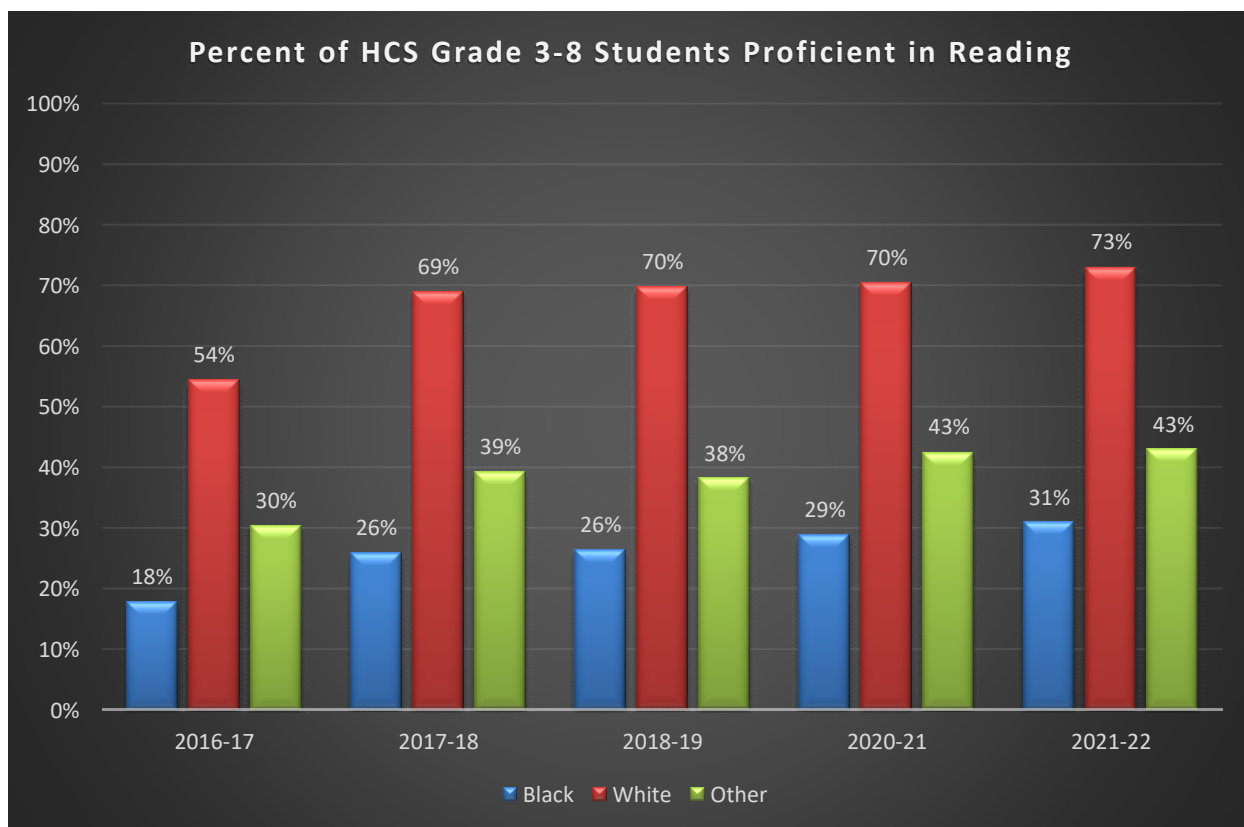
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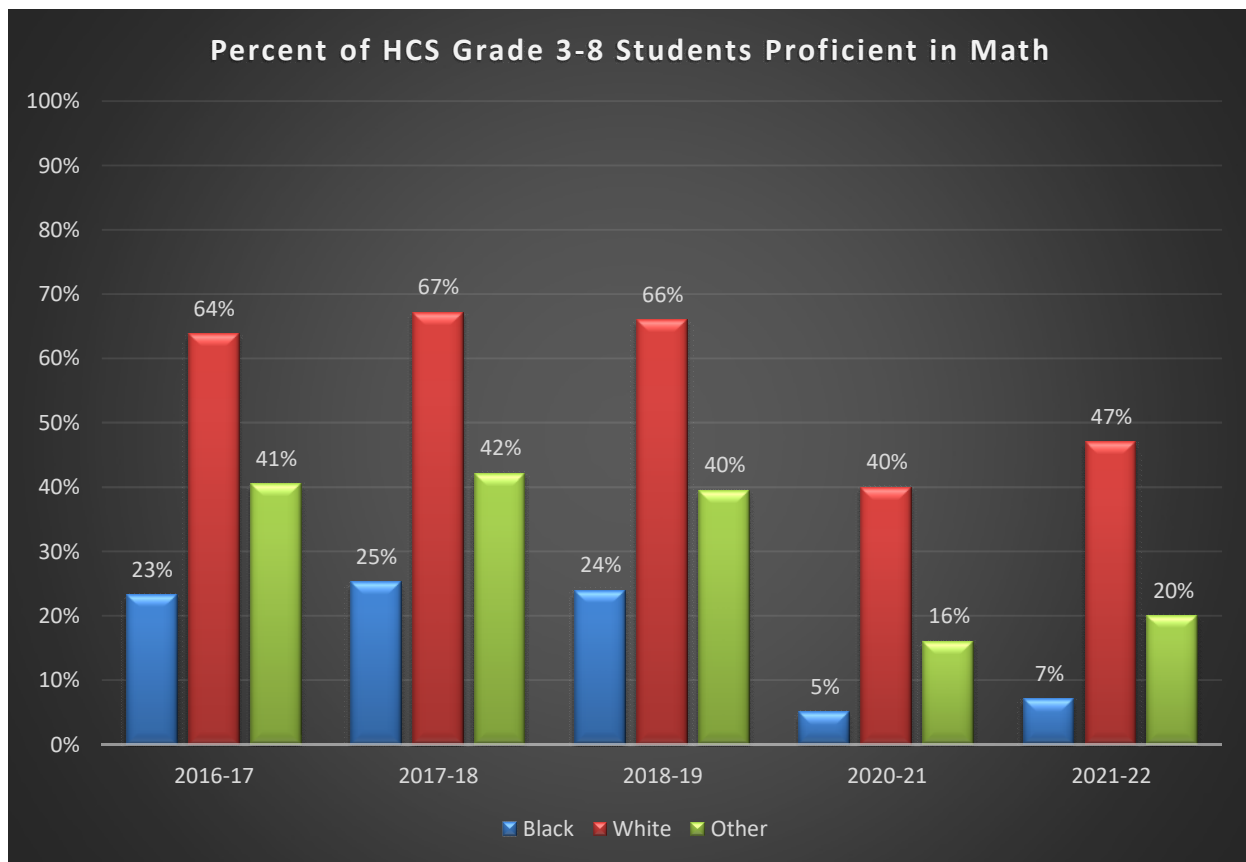
For student proficiency in grades three through eight, the Alabama State Department of Education currently uses the ACAP assessment, which tests English Language Arts (“ELA”) and math. The ELA section of the ACAP covers reading, English, and writing. The test includes multiple choice questions, writing questions, and questions that require underlining or other interactions. For math, the ACAP tests a students ability to execute the appropriate process or procedure for the problem, not just the students ability to get the correct answer. Many of the ACAP math questions are interactive, requiring the student to use digital tools like a ruler.

It is difficult to compare student proficiency at the elementary and middle school level year over year because of the changes in the state approved assessment. Since the Consent Order was implemented, the approved assessment has changed from ACT Aspire (2015-2016 and 2016-2017), to Scantron Performance Series (2017-2018 and 2018-2019), to the ACAP Assessment (2020-2021 and 2021-2022). The ACT Aspire and Scantron Performance Series tested reading and math and only

used multiple choice questions. ACAP, on the other hand, uses a combination of different types of questions and tests math and ELA.

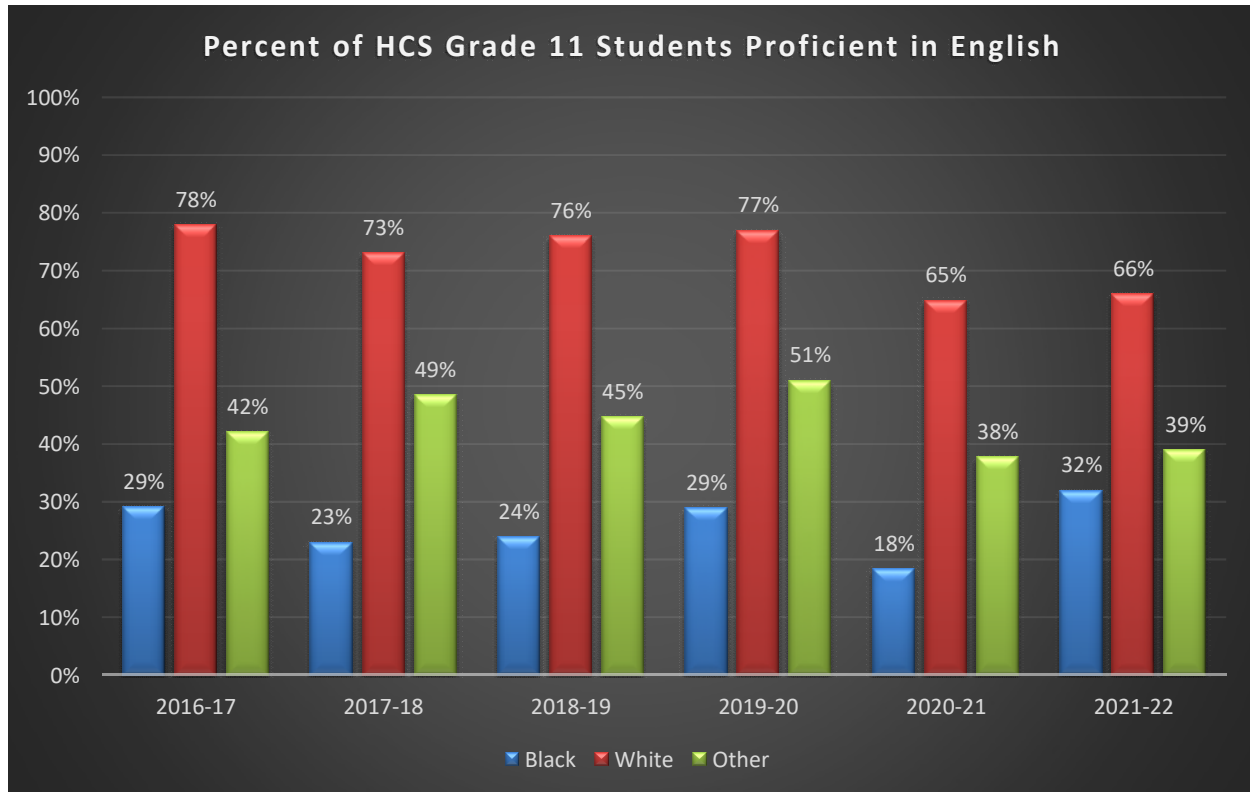
For the ACAP ELA results, the District believes it is finally seeing the fruits of its labor. The District has focused its efforts on improving student proficiency in reading, writing, and English. This year's student proficiency on the ELA portion of the ACAP assessment represents the highest proficiency data for both Black and White students since 2015-2016. This is despite the impact of learning loss coming out of the pandemic.

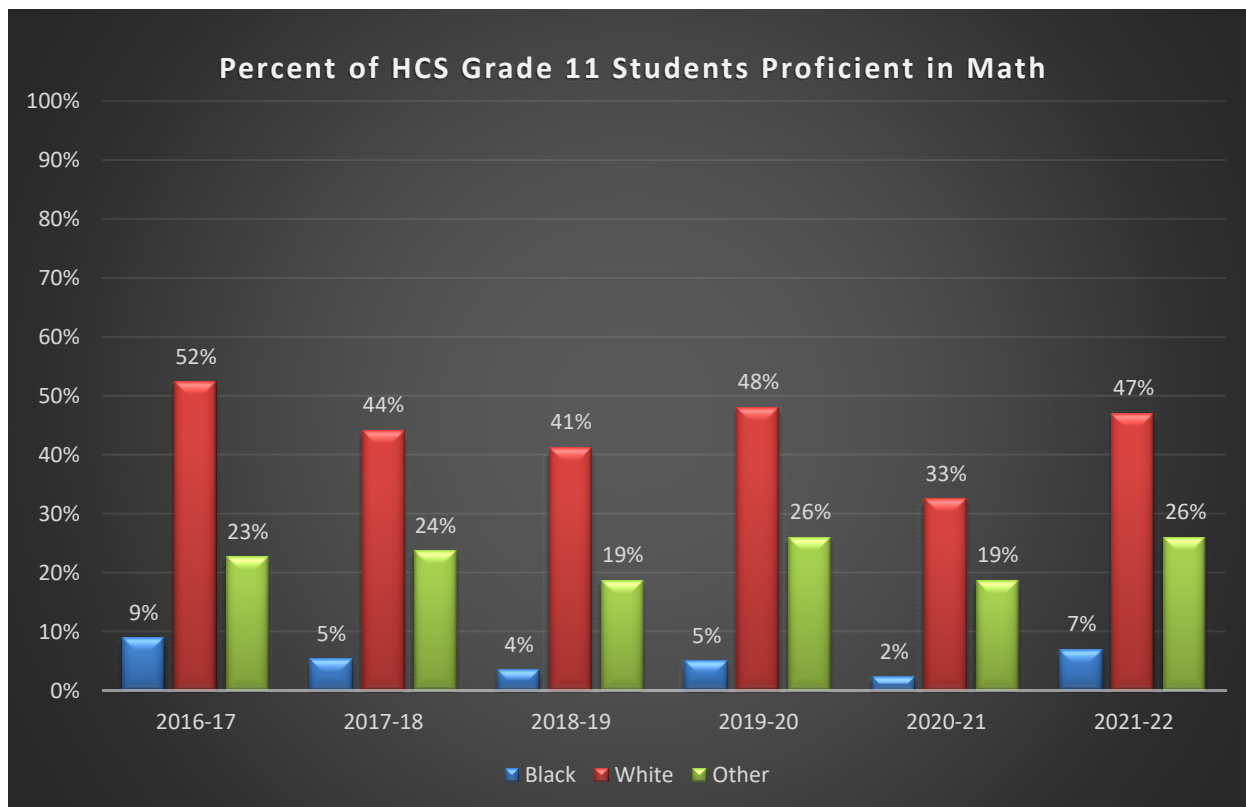




As a reminder, the District's secondary proficiency is solely tied to eleventh grade student performance on the ACT. The District is very proud to report that its ACT scores for both math and English have increased in every subgroup. Math proficiency scores for Black students have increased to 7%, up from 2% last year. This is the highest math proficiency rate for Black students since the 2016-2017 school year. The District has seen the biggest improvement in English. English proficiency scores for Black students have increased significantly to 32%, up 14 percentage points from last year's data. This is likewise the highest English proficiency rate for Black students since the 2015-2016 school year. The achievement gap between Black and White students is also decreasing in reading.

The percentage point gap in reading between White and Black students has decreased three consecutive years since its peak in 2018-2019 (52 percentage point gap). For 2021-2022, the achievement gap for reading ACT scores was down to 34 percentage points, a 13 point gap closure since last year.





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III.M.1.c.: *For the 2022-23 school year, a list of teachers hired or assigned by each high school to teach an AP or IB Diploma course, the course(s) taught by each teacher, the number of sections taught by each teacher, and the credentials of each teacher.*

Notes:

This report contains extensive information regarding the District's AP and IB Diploma course teachers. The District continues to make the retention of AP and IB Diploma course teachers a priority.

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III.M.1.d.: *For the 2022-23 school year, a report for each school that includes the employee number of each teacher, his or her race,*

professional degrees, certifications, years of experience (3 years of less and more than years) and course or courses taught.

Notes:

This year, the District prepared a single spreadsheet, as opposed to two spreadsheets based on how many classes teachers taught, to report each teacher's race, degree(s), certifications, years of experience, and course(s) taught by school.

Like previous years, some teachers still occupy multiple rows on the spreadsheet. The reason for this is that these teachers have multiple certifications and degrees, and the District's tracking software for certified staff creates multiple rows for a single teacher to account for each of that teacher's certification and degrees. The rest of the information on the row should be identical to all other rows with the same teacher's name.

When the Court granted the District's Unopposed Motion to Modify Student Assignment (Doc. 644), the District split its remaining P-8 schools (AAA, ASFL, Chapman, Morris, Mountain Gap, and Whitesburg) into separate elementary and middle schools. In keeping with the Court's Order granting that Motion, the District notes that the Court and United States can review the data for the former combined pre-Kindergarten through eighth grade campuses by combining the data from the separate elementary and middle school pages for the respective school.

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III.M.1.e.: *For the 2021-22 school year, a list of professional development activities required by Section III, including the date, duration, subject matter, presenter, and number of individuals in attendance by group (e.g., principals, teachers, etc.).*

Notes:

Implementing the Consent Order requires extensive professional development and training for District employees. While this report is extensive, it only covers the professional development required as part of Section III of the Consent Order. Professional development related to other aspects of the Consent Order are not included in this report.

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III.M.1.f.: *For the 2021-22 school year, a list of parent/guardian outreach activities, including the date, duration, and approximate number of individuals in attendance, and estimate of participation levels by race.*

Notes:

As emphasized in previous Court Reports, one of the key features of the Consent Order is parent/guardian and family outreach. This report demonstrates the scope of the parent/guardian outreach performed by the District pertaining to Section III of the Consent Order. This year, the District outreach efforts consisted of in-person events and meetings; virtual events and meetings; and the use of social media (ex. Facebook Live). The District believes that the use of different media to reach parents has increased overall parent participation in outreach events.

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III.M.1.g.: *For the 2021-22 school year*, a list of student support services offered pursuant to Section III.H.

Notes:

Report III.M.1.g. contains several spreadsheets that show the various ELA and math supports offered at each school in the District. As the District has tried to do each year, the District team has reformatted the reports to make them easier to read.

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III.M.1.h.: *For the 2021-22 school year*, a report of the results of the survey required by Section III.I.7.¹ and action steps taken based on the survey results.

Notes:

The District used a similar process for completing the surveys as was used in prior years. (See Doc. 598, pp. 10-13; see also Doc. 542, pp. 9-11). As was the case last year, the District streamlined the survey login procedure to ensure access for students taking classes virtually through the District's Huntsville Virtual Academy ("HVA"). The results of this year's survey were very similar to the results of last year's survey. The District shared the survey results with school principals as part of each principal's data notebook (an online folder containing various data and

¹ The Consent Order contains a typo in this reporting requirement. It should read "Section III.H.7." instead of III.I.7. However, to ensure that this document matches the Consent Order, the language from the Consent Order has been used.

information for principal's review). The principals review this information as part of the development of the local school strategic plan.

* * *

III.M.2.: The District will provide the data reviewed and the plans developed pursuant to Section III.M. to the United States. The District will provide a summary of the data reviewed and the plans developed pursuant to Section III.M. to the Court.

Notes:

The District will provide the data and plans developed during its self-monitoring process to the United States. Report III.M.2. is a narrative summary of the plans and data.

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IV. EXTRACURRICULAR ACTIVITIES

IV.H.1.: *For the 2021-2022 school year*, a list of extracurricular activities offered in the District, by school and core activity category where applicable.

Notes:

This report shows the extracurricular clubs and activities of each school. All elementary schools in the District offered a math club. The District hosted a math competition that all District elementary schools participated in. Students had to be on a math team to participate. The students participated in both individual and team competitions. At the middle school level, all schools offered, or were prepared to

offer, the required number of academic clubs or teams. However, McNair Junior High School failed to maintain student participation on its math team and student government. Additionally, Chapman Middle School failed to maintain student participation on its math team and in National Junior Honor Society. All high schools offered the minimum number of clubs required by the Consent Order.

* * *

IV.H.2.: *For the 2021-2022 school year, school participation rates and targets in the Elementary School Core Activity and the Middle/Junior High School Core Activities and any actions taken by the District to support schools in meeting participation targets.*

Notes:

Due to COVID-19, the District's extracurricular participation rates decreased significantly during the 2019-2020 (spring semester) and 2020-2021 school years. The District struggled to consistently and meaningfully track student participation data in extracurricular activities throughout COVID-19. There were a number of reasons for these struggles that were explained in previous Cover Memoranda.

During the 2021-2022 school year, while the District was still taking steps to mitigate the spread of COVID-19, the impact of COVID-19 on the District's extracurricular activities and participation was reduced as compared to the 2020-2021 school year. This year, the District was able to better track student participation in extracurricular clubs and activities than it did last year. Additionally, the District

was able to return to offering a similar number of clubs and activities as it offered pre-pandemic.

As the Court is well aware, the District has struggled since the implementation of the Consent Order to determine the best method for setting targets for extracurricular participation. The give and take between setting aspirational and achievable targets has been a challenge for the District. Also, the District has struggled to determine the best metric to use for assessing student participation in extracurricular activities. This is even more so for the clubs and activities that have particularly small numbers of participants by design (i.e., Academic Team or Student Government).

Like in prior years, the District has set the target for each club at a school to match that school's overall demographics, plus or minus 15 percentage points. By setting it at that rate, the District gives each school a, mostly, static goal that is unique to them. To help track the difference between the target and the actual participation rate, the District has included a set of "Difference" columns. Participation rates that fall within the plus or minus 15 percentage point threshold are colored green. Participation rates that fall between plus or minus 16 and 20 points are colored yellow. Participation rates that fall outside the plus or minus 20 percentage points threshold have been colored red. Going forward, the District is working on adding a new metric that assesses how many students at each school are participating in at

least one core extracurricular activity. The District plans to debut this metric in next year's court report.

* * *

IV.H.3.: *For the 2021-2022 school year*, a description of measures taken by the District to make students aware of academic clubs and related extracurricular opportunities.

Notes:

This report shows the District-wide measures for making students aware of academic clubs and related extracurricular activities. District middle, junior high, and high schools hosted club fairs during the school day in the fall of 2021-2022. Some schools elected to present a second club fair in the spring of 2022 to allow students the opportunity to participate in different clubs or activities for the second semester. Schools continued to use rack cards that were provided by the District to advertise clubs and activities that may be available to students. All middle schools and high schools participated in the Curriculum Showcase at the Von Braun Center North Hall on March 5, 2022. The schools were represented by Administrators, Sponsors, and students at the Showcase. Special programs, clubs and activities, and advanced courses were highlighted at each school's booth with rack cards available for parents and students.

* * *

V. FACULTY

V.D.1.: *For the 2021-2022 school year*, a list of the members of each committee involved in the recruitment, hiring, assignment, retention, or promotion of administrators, faculty, and certified staff. The list will include: name of committee; each committee member's name; his or her race; position (title and location) and date(s) on which he or she served on the committee.

Notes:

This report shows the names of the individuals who served on the District's Teacher Screening Committee or Administrative Committee. For 2021-2022, the District had 45 unique employees participate on a screening committee. The District had 8 individuals (4 Black and 4 White) choose to participate on both the teacher screening committee and administrative committee. The administrative committee consisted of 8 Black, 8 White, and 1 Other employees. The teacher screening committee consisted of 17 Black, 17 White, and 2 Other employees.

* * *

V.D.2.: *For the 2021-22 school year*, documentation of any exigent circumstances pursuant to Section V.A.1.

Notes:

The Consent Order requires the District to use selection committees composed of individuals who reflect the District-wide racial composition of certified teachers. Exceptions to this requirement must be based on exigent circumstances. During the

reporting period, there were 3 interview committees that failed to reflect the District-wide racial composition. The District completed a total of 615 interviews between July 2021 and June 2022. Thus, only 0.49% of interviews failed to reflect the District-wide racial composition due to an exigent circumstance.

* * *

V.D.3.: *For the 2021-22 school year, the total number of certified administrators, by race and position, in the District's central office.*

Notes:

For purposes of this report, administrator means either a coordinator or director level position. The demographics of certified administrators in the District's central office is 44.4% Black, 48.2% White, and 7.4% Other. Last year's report showed 10 Black certified administrators in the central office. This year's report shows 12 Black central office certified administrators. This represents both the highest raw number and highest percentage of Black certified administrators in the central office since the District began implementing the Consent Order. Also, for the first time, the District's central office team lacks a majority race.

* * *

V.D.4.: *For the 2021-22 school year, the total number and percentage of teachers and administrators, by race and by position, in each school facility operated in the District. For reporting purposes, principals will be identified separately from assistant principals.*

Notes:

To help better understand this report, it is important to understand that the Consent Order requires that the report distinguish between principals and assistant principals. Many schools have only a single principal and assistant principal. When there is a single person filling a category, the report will always show that 100% of the individuals in that category are White, Black, or Other depending on the individual's race.

For the 2021-2022 school year, the racial demographics of the District's certified teachers, assistant principals, and principals are as follows:

- **Certified teachers:** 27% Black 70% White 3% Other
- **Principals:** 50% Black 45% White 5% Other
- **Asst. Principals:** 66% Black 32% White 2% Other

The demographics of the District's teachers, assistant principals, and principals remained relatively stable between 2020-2021 and 2021-2022. The District did see the number of Black principals decrease by one while the number of Black assistant principals increased.

The Consent Order requires the District to assign classroom teachers such that the racial breakdown of teachers within each school reflects the district-wide average for the grade levels served by that school (e.g., the racial ratio of teachers within a given elementary school will be measured against the district-wide average for

elementary school teachers) within +/- 15 percentage points. This is commonly referred to as the Singleton mandate or Singleton ratios. V.D.4 is one way to track the District's compliance with the Singleton mandate. V.D.4 shows that the District has two high schools, three middle schools, and six elementary schools outside the Singleton ratio. However, of the eleven schools out of compliance, six of the eleven are within a +/- 20 percentage point band. See Coalition to Save Our Children v. State Bd. of Educ. of State of Delaware, 90 F.3d 752, 766 n.21 (3rd Cir. 1996) ("Courts addressing unitary status motions typically have considered faculties within ± 15 percentage point of the district-wide minority composition to be racially balanced. Indeed, recognizing the difficulty of achieving perfect balance, particularly with small elementary school faculties, some courts have applied a standard of ± 20 percentage points."). This means many of the schools outside the Singleton ratio are only barely missing the mark. Historically, the District has only had between two and five schools fall outside the Singleton ratio in a given year. The sudden increase in schools out of compliance is reflective of the teacher shortage facing Alabama. For the most recent hiring season, the District received a significantly reduced number of applications and this made ensuring compliance with this Consent Order requirement extremely difficult as the District was faced with the choice of having a school be out of compliance with the Singleton ratio or no teacher in a classroom.

* * *

V.D.5.: *For the 2021-22 school year*, a list of each certified staff member, such as administrators and faculty, transferred, including: his or her name; race; position; self-reported years of experience; school to which he or she was previously assigned; school to which he or she was transferred; effective date of the transfer; indication of whether the transfer was requested by the certified staff member or initiated by the District or both; and the reason(s) for the transfer.

Notes:

This report shows a variety of reasons why the Board transferred an employee or why an individual requested a transfer. This year's report shows a total of 82 transfers, which is in line with last year's figure. Notably, this is the lowest number of transfers reported by the District since the Consent Order was approved by the Court and reflects a substantial decrease as compared to data from 2019-2020. Of the 82 transfers, 40 were involuntary and 42 were voluntary. Of the 40 involuntary transfers, 17 were Black (42.5%) and 20 were White (50.0%). Of the 42 voluntary transfers, 26 were Black (61.9%) and 15 were White (35.7%).

* * *

V.D.6.: *For the 2021-22 school year*, a description of the measures the District is taking to ensure the equitable selection of Black principals pursuant to Section V.A.2.

Notes:

The measures listed on this report are designed to ensure that qualified applicants are equitably selected for available principal positions. Many of the

efforts are designed to give qualified teachers a chance to gain leadership experience. For example, 12 Black and 7 White District teachers were screened and interviewed for assistant principal positions in 2021-2022. Between August of 2021 and June of 2022, four District teachers were selected as assistant principals. Of the four, two were White and two were Black. The District also works hard to ensure that assistant principals are able to develop into future principals. As evidence, six assistant principals were hired as principals during the 2021-2022 school year, four Black and two White.

* * *

V.D.7.: *For the 2021-22 school year*, a list of all recruiting/job fairs in which the District participated, including the date and location of each such fair.

Notes:

This report shows the job fairs in which the District participated along with the date and location of each fair. The District significantly increased the number of job fairs it attended this year. The District attended job fairs in four different states (Alabama, North Carolina, South Carolina, and Mississippi). The District also hosted its own job fair on April 21, 2022, and June 23, 2022. As part of the District's recruitment efforts, the District provided opportunities for potential candidates to complete school tours and even created a downtown Huntsville scavenger hunt to

help those new to Huntsville get acclimated to the downtown area and learn about the city.

* * *

V.D.8.: *For the 2021-22 school year, a list of each central office certified administrator hired, including the administrator's name, race, position, date of hire, and starting salary (including step and grade).*

Notes:

This report shows all individuals the Board selected to fill a central office coordinator or director position who were not previously employed at the central office. It also includes individuals who were employed by the Board – in a non-central office position – at the time they were selected for their central office coordinator or director position. While such individuals are not “hired” for the first time, they are “hired” to be central office administrators. The report shows that the District hired five new central office certified administrators. Of those five new central office certified administrators, two are Black, two are White, and one is Other.

* * *

V.D.9.: *For the 2021-22 school year, a list of each central office certified administrator promoted, including the administrator's name, race, prior position and salary, and new position and salary.*

Notes:

No certified, central office administrators were promoted during the 2021-2022 school year.

* * *

V.D.10.: *For the 2021-22 school year*, a list of each certified staff member, such as administrators and faculty, who received incentive pay, including his or her name, race, position (title and location), salary grade and step, and incentive amount.

Notes:

The 2018-2019 school year was the last year that the District offered incentive pay to certified employees. Incentive pay was not offered in the 2021-2022 school year, as reflected in this year's report.

* * *

V.D.11.: *For the 2021-22 school year*, a list of certified staff members, such as administrators and faculty, who were demoted, suspended, or dismissed/terminated, including each person's name, race, position/title, and date of demotion, suspension, or dismissal/termination.

Notes:

This report shows 31 teachers received a demotion, suspension, or termination during the 2021-2022 school year. This data continues a trend that started in 2018-2019 of a reduced number of demotions, suspensions, or terminations. Most teachers who were dismissed from employment for the Board were probationary (non-tenured) teachers. As probationary teachers, these teachers have not worked for the Board for three consecutive years. On this document, these teachers have the designation of "Non-Tenured, Not Returned." Twenty-three of the 31 teachers listed were non-renewed probationary teachers. Of those 23, 9 were Black (43%), 13 were

White (53%), and 1 was Other (4%). The report shows 3 employees either resigned or retired in lieu of termination. Of those 3 employees, 2 were Black and 1 was White. The report also shows 1 termination (White) and 2 suspensions (both Black).

* * *

V.D.12.: *For the 2021-22 school year*, a list containing information about each candidate submitted to a school for consideration to fill a vacant position, including: candidate's name; his or her race; an indication of whether he or she was screened at the District level; his or her certification(s), if any; his or her self-reported total years of experience; school and vacant certified position for which his or her name was submitted; date on which that submission occurred; candidate(s) selected by the principal to fill the vacant certified position; and candidate(s) placed in the position.

Notes:

This report contains a considerable amount of information, and for some applicants, the only information is self-reported. For applicants who were not recommended for a position, the District does not perform follow-up information verification. These individuals will only have self-reported information.

The District received 1,692 applications for consideration. The majority of these 1,125 applicants were White. More specifically, 389 were Black (23%); 798 were White (47%); 75 were Other (4%); and 430 did not report a race (25%).

Race	Submitted for Consideration	Selected for Position	Selection Percentage
Black	389	147	37.8%
White	798	277	34.7%
Other	75	29	38.7%

While the District selected more total White applicants for vacant positions than Black applicants, the District selected Black applicants at a higher rate than White applicants (37.8% compared to 34.7%). The highest selection rate for candidates in this report was for Other, which had a 38.7% selection rate. Overall, the selection rate for Black, White, and Other candidate was very comparable and within four percentage points of each other.

* * *

V.D.13.: *For the 2021-22 school year, a list of all candidates nominated for the TOSA program, or any similar program, and for each eligible candidate: candidate's name; his or her race; school to which he or she was assigned; grade level(s) and/or course(s) he or she taught; individual who nominated him or her; an indication whether he or she accepted any invitation to interview; members of his or her interview committee; and an indication whether he or she was selected to participate in the TOSA program or any similar program.*

Notes:

This report shows that the District did not screen any new TOSAs. As explained in previous years, the District phased out the TOSA Program.

* * *

VI. FACILITIES

VI.C.: The District's progress on the construction of Morris Pre-K-8 School, Jemison High School, McNair Junior High School, Grissom High School, Whitesburg Pre-K-8 School, and Hereford Elementary School, and the District's progress on the renovation of AAA.

Notes:

To date, the District has completed all the above tasks in the Facilities section of the Consent Order. Thus, there are no reports for this. The District wants to ensure that the Court is kept informed of the status of facilities work in the District. The District is in the process of facilities work on a new career and technical education building, a new central office building, and track resurfacing at Milton Frank Stadium. Additionally, the District has recently completed projects that included a new roof and HVAC system for Highlands Elementary School; a new roof for Hampton Cove Elementary/Middle School; and a new track for Huntsville Junior High School and Challenger Middle School.

* * *

VI.C.: The District's progress on the renovation of Martin Luther King, Jr. Elementary School.

Notes:

As a reminder, the District completed the renovations of Martin Luther King, Jr. Elementary School significantly ahead of the December 2016 deadline. There are no reports for this.

* * *

VI.C.: The District’s progress towards removing remaining portable classrooms.

Notes:

This report shows that the District has 13 portables (“modular buildings”) in use during the 2022-2023 school year. The modular building that was previously located at the United States Space and Rocket Center for the culinary arts programs has been dismantled, as the culinary arts program relocated to Lee High School during Summer 2022.

The 13 modular buildings are located at the following schools: Whitesburg Elementary/Middle (2); Morris Elementary/Middle (2); Goldsmith-Schiffman Elementary (2); Grissom High School (4); and Hampton Cove Elementary/Middle (3). These modular buildings were emplaced in September 2021 as a temporary measure to address capacity issues. The modular buildings were not operational for the 2021-2022 school year. The modular buildings are in use for the 2022-2023 school year. The District is currently undertaking facility planning, part of which will eliminate the use of modular buildings. Each portable can support up to 30 students.

* * *

VI.C.: Implementation of the District’s Playground Plan.

Notes:

The District completed the new playground at Ridgecrest Elementary School in August 2022. The current capital plan does not have any other playgrounds planned for renovations. However, the District's special education department undertook efforts to review the accessibility of the District's playgrounds for students with disabilities. The District identified seven schools that needed playground improvements to ensure accessibility for students with special needs. Those schools are: Academy of Science and Foreign Languages, Blossomwood Elementary, Huntsville Junior High, McNair Junior High, Morris, Mountain Gap, and Whitesburg. These playgrounds either had broken equipment in need of replacing or were in need of renovations to improve accessibility. This project will also ensure that each playground is wheelchair accessible. The project is in the beginning phases. Below, the District has provided some example photos of the new equipment:



* * *

VI.C.: Implementation of the District's SMALLab Plans.

Notes:

As mentioned in last year's Cover Report, the District has moved away from the SMALLab program. The District is in the process of removing the SMALLab equipment. The rooms are being converted back into classrooms. Schools with SMALLab rooms were not using the rooms, and the District believes students would be better served with an additional classroom, especially due to space restraints at some schools with increased student enrollment.

* * *

**VII. STUDENT DISCIPLINE, POSITIVE SCHOOL CLIMATE, AND
EFFECTIVE CLASSROOM MANAGEMENT**

VII.I.1.: The District's Student Code of Conduct implemented after the effective date of this Consent Order or after the previous annual report.

Notes:

The documents responsive to this reporting requirement are the Behavioral Learning Guide ("BLG"), the Elementary Matrix, and the Secondary Matrix. The District only made minor changes to substantive provisions of the documents as compared to the prior year's version. However, this year, the District has combined all of the documents into a single document (instead of three separate documents) for ease of use.

* * *

VII.I.2.: *For the 2021-22 school year*, a list of professional development activities required by Section VII, including the date, duration, subject matter, presenter and number of individuals in attendance by group (e.g., principals, teachers).

Notes:

According to the Consent Order, “[t]he District will provide initial and annual refresher professional development, which may be online, for teachers and administrators on the revised Student Code of Conduct.” (Doc. 450, p. 77). The reports responsive to this requirement show the professional development provided to certified and non-certified staff on the code of student conduct, positive school climate, and other similar topics.

* * *

VII.I.3.: *For the 2021-22 school year*, the information provided to parents/guardians pursuant to Section VII.

Notes:

This report shows the District’s outreach efforts during the fall of the 2021-2022 school year. The District has found Facebook Live to be the best method for reaching a higher number of parents. Facebook Live allows the District to record videos that parents can access on their own time. For the 2021-2022 school year, the District recorded a 14 minute informational video for parents that discussed the BLG, BLOOM, and PBIS. As of January 2022, the video had been viewed almost

500 times. The District was not able to track the race of participants due to limitations caused by the Facebook Live view counter.

* * *

VII.I.4.: *For the 2021-22 school year*, and for each school, the total number and percentage of students receiving a disciplinary referral, disaggregated by race, in-school suspension, out-of-school suspension, expulsion, school referrals to law enforcement and alternative school placement and plans/strategies developed and implemented as a result of the District's review in Section VII.G.²

Notes:

During the 2021-2022 school year, the District saw an increase in student discipline as compared to the 2020-2021 school year. As was discussed in last year's cover memorandum, the District expected to see an increase in student discipline coming out of COVID-19 both because of the effects of COVID-19 and the simple fact that almost all students are back on campus for in-person learning.

Below, as it has done in prior years, the District has provided a year by year comparison of the District-wide data for in-school suspensions and out-of-school suspensions.

² The requirement for the District to meet and review is found in Section VII.H. (See Doc. 450, p. 83) As such, this reporting requirement should read "VII.H." instead of "VII.G."

Year	% of Group with ISS			% of Group with OSS		
	Black	White	Other	Black	White	Other
2014-15	9%	4%	3%	11%	2%	3%
2015-16	11%	4%	5%	11%	2%	3%
2016-17	14%	5%	7%	11%	2%	3%
2017-18	18%	7%	8%	14%	3%	4%
2018-19	22%	7%	10%	17%	4%	5%
2019-20	17%	5%	8%	11%	2%	3%
2020-21	6%	3%	3%	4%	1%	1%
2021-22	11%	5%	5%	13%	3%	4%

* * *

X. MONITORING, REPORTING, AND OVERSIGHT

X.A.: *For the 2022-23 school year*, the District will provide the United States a copy of its student enrollment database electronically in Microsoft Excel or similar format and will file with the Court a report of its student enrollment, disaggregated by school and race.

Notes:

This report shows the student enrollment disaggregated by race and school for the 2022-23 school year.

* * *

X.G.: *For the 2021-22 school year*, the District will provide the United States and the Court with its annual budget and a list of District expenditures related to the implementation of the Consent Order for the previous school year.

Notes:

This report contains the District's annual budget for the 2022 fiscal year. This report also contains a list of some of the expenditures related to the implementation of the Consent Order. As explained in previous years, there is almost no aspect of the District's budget that does not, in some part, touch on the implementation of the Consent Order. Nevertheless, to be as informative to the Court as possible, the District has tried to include the largest Consent Order costs in the list of expenditures.

For the last couple of years, the District has kept the Court aware of its financial difficulties. Continuing last year's fiscal success, the District is able to provide a good news story regarding its finances. As a reminder to the Court, the Alabama Administrative Code requires the District to have one-month's operating budget in reserve at the close of the fiscal year. As of September 2022, the District has approximately 4 months operating budget in reserve.

* * *

WHEREFORE, and in consideration of the foregoing, the Board submits the following Evidentiary Submission of the Sixth Consent Order Report:

EXHIBIT II.D.8.a.: Documents responsive to § II.D.8.a. of the Consent Order

EXHIBIT II.D.8.b.1.: Documents responsive to § II.D.8.b.1. of the Consent Order

EXHIBIT II.D.8.b.2.: Documents responsive to § II.D.8.b.2. of the Consent Order

EXHIBIT II.D.8.b.3.: Documents responsive to § II.D.8.b.3. of the Consent Order

EXHIBIT II.F.1.: Documents responsive to § II.F.1. of the Consent Order

EXHIBIT II.F.2.: Documents responsive to § II.F.2. of the Consent Order

EXHIBIT II.F.3.: Documents responsive to § II.F.3. of the Consent Order

EXHIBIT II.F.4.: Documents responsive to § II.F.4. of the Consent Order

EXHIBIT II.F.5.: Documents responsive to § II.F.5. of the Consent Order

EXHIBIT III.M.1.a.: Documents responsive to § III.M.1.a. of the Consent Order

EXHIBIT III.M.1.b.: Documents responsive to § III.M.1.b. of the Consent Order

EXHIBIT III.M.1.c.: Documents responsive to § III.M.1.c. of the Consent Order

EXHIBIT III.M.1.d.: Documents responsive to § III.M.1.d. of the Consent Order

EXHIBIT III.M.1.e.: Documents responsive to § III.M.1.e. of the Consent Order

EXHIBIT III.M.1.f.: Documents responsive to § III.M.1.f. of the Consent Order

EXHIBIT III.M.1.g.: Documents responsive to § III.M.1.g. of the Consent Order

EXHIBIT III.M.1.h.: Documents responsive to § III.M.1.h. of the Consent Order

EXHIBIT III.M.2.: Documents responsive to § III.M.2. of the Consent Order

EXHIBIT IV.H.1.: Documents responsive to § IV.H.1. of the Consent Order

EXHIBIT IV.H.2.: Documents responsive to § IV.H.2. of the Consent Order

EXHIBIT IV.H.3.: Documents responsive to § IV.H.3. of the Consent Order

EXHIBIT V.D.1.: Documents responsive to § V.D.1. of the Consent Order

EXHIBIT V.D.2.: Documents responsive to § V.D.2. of the Consent Order

EXHIBIT V.D.3.: Documents responsive to § V.D.3. of the Consent Order

EXHIBIT V.D.4.: Documents responsive to § V.D.4. of the Consent Order

EXHIBIT V.D.5.: Documents responsive to § V.D.5. of the Consent Order

EXHIBIT V.D.6.: Documents responsive to § V.D.6. of the Consent Order

EXHIBIT V.D.7.: Documents responsive to § V.D.7. of the Consent Order

EXHIBIT V.D.8.: Documents responsive to § V.D.8. of the Consent Order

EXHIBIT V.D.9.: Documents responsive to § V.D.9. of the Consent Order

EXHIBIT V.D.10.: Documents responsive to § V.D.10. of the Consent Order

EXHIBIT V.D.11.: Documents responsive to § V.D.11. of the Consent Order

EXHIBIT V.D.12.: Documents responsive to § V.D.12. of the Consent Order

EXHIBIT V.D.13.: Documents responsive to § V.D.13. of the Consent Order

EXHIBIT VI.C.: Documents responsive to § VI.C. of the Consent Order

EXHIBIT VII.I.1.: Documents responsive to § VII.I.1. of the Consent Order

EXHIBIT VII.I.2.: Documents responsive to § VII.I.2. of the Consent Order

EXHIBIT VII.I.3.: Documents responsive to § VII.I.3. of the Consent Order

EXHIBIT VII.I.4.: Documents responsive to § VII.I.4. of the Consent Order

EXHIBIT X.A.: Documents responsive to § X.A. of the Consent Order

EXHIBIT X.G.: Documents responsive to § X.G. of the Consent Order

RESPECTFULLY SUBMITTED this 15th day of November.

/s/ Christopher M. Pape

Christopher M. Pape

J.R. Brooks

Zachary B. Roberson

Christopher M. Pape
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CERTIFICATE OF SERVICE

I certify that I have filed the foregoing with the Clerk of the Court using the CM/ECF electronic filing system which will send notification of such filing to those parties of record who are registered for electronic filing, and further certify that those parties of record who are not registered for electronic filing have been served by mail by depositing a copy of the same in the United States mail, first class postage prepaid.

/s/ Christopher M. Pape
Christopher M. Pape